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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/772,149

01/29/2001

James A. Barnard

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7590

07/28/2004

Patent Legal Staff  
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EXAMINER

HOFFMAN, BRANDON S

ART UNIT

PAPER NUMBER

2136

DATE MAILED: 07/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/772,149	<b>Applicant(s)</b> BARNARD ET AL.	
	<b>Examiner</b> Brandon Hoffman	<b>Art Unit</b> 2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) *  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moribe et al. (U.S. Patent No. 5,818,812) in view of Kajiyama et al. (U.S. Patent No. 6,108,296), and further in view of Mochizuki (U.S. Patent No. 6,097,814).

Regarding claims 1, 3, and 15, Moribe et al. teaches a copy-protected optical disc/method for copy-protecting information recorded on an optical disc, comprising:

- A number of other optical discs are assigned a preformed ID number during optical disc manufacture (col. 6, lines 22-46);
- A unique identification number for the optical disc which was written on the optical disc after it is manufactured (fig. 1, ref. num 4 and col. 6, lines 5-9); and
- An encrypted program written onto the optical disc wherein the encryption of such program is based upon the unique ID (fig. 6 and col. 7, lines 10-23).

Moribe et al. does not teach a preformed identification number (ID) in the ATIP signal and the subcode that is impressed upon the optical disc, and the encryption of

Art Unit: 2136

the program is based upon the preformed ID and includes two or more selectable security levels.

Kajiyama et al. teaches a preformed identification number (ID) in the subcode which is impressed upon the optical disc (col. 7, lines 52-61), and the encryption of the program is based upon the preformed ID (col. 7, lines 52-61).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine forming a disc with a preformed ID and the encryption of the program is based upon the preformed ID, as taught by Kajiyama et al., with the disc/method of Moribe et al. It would have been obvious for such modifications because the copy protect information can vary with each disc, thus improving the copy protect ability (see col. 7, lines 59-61 of Kajiyama et al.).

Moribe et al. as modified by Kajiyama et al. still does not teach a preformed ID in the ATIP signal and includes two or more selectable security levels. Mochizuki teaches a preformed ID in the ATIP signal and includes two or more selectable security levels (col. 5, line 56 through col. 6, line 16 and col. 6, lines 56-63).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine a preformed ID which is formed in the ATIP signal and includes two or more selectable security levels, as taught by Mochizuki, with the disc/method of Moribe et al./Kajiyama et al. It would have been obvious for such

Art Unit: 2136

modifications because the ATIP signal already exists; by placing the preformed ID in an already existing signal, no extra data is needed.

Regarding claims 2 and 4, the combination of Moribe et al. in view of Kajiyama et al./ Mochizuki teaches further including the preformed ID recorded in the data stream (see col. 7, lines 55-56 of Kajiyama et al.).

Regarding claim 5, the combination of Moribe et al. in view of Kajiyama et al./ Mochizuki teaches wherein the preformed ID includes the maximum start of lead-in and the start of lead-out for the disc (see fig. 5b and col. 6, lines 23-39 of Kajiyama et al.); the preformed ID is recorded in special information and special information of the ATIP signal (see col. 5, line 56 through col. 6, line 16 of Mochizuki).

Regarding claim 6, the combination of Moribe et al. in view of Kajiyama et al./ Mochizuki teaches further including the step of reading the preformed ID and the unique ID from the disc and decrypting the encrypted program using the preformed ID and the unique ID (see col. 7, lines 24-66 of Moribe et al.).

Regarding claim 7, the combination of Moribe et al. in view of Kajiyama et al./ Mochizuki teaches in which the unique ID is recorded at one or more known absolute sector addresses on the disc (see fig. 1, ref. num 4 and col. 6, lines 5-12 of Moribe et al.).

Art Unit: 2136

Regarding claim 8, the combination of Moribe et al. in view of Kajiyama et al./Mochizuki teaches in which the unique ID is recorded into the second session (see fig. 1, ref. num 4 and col. 6, lines 5-9 of Moribe et al.).

Regarding claim 9, the combination of Moribe et al. in view of Kajiyama et al./Mochizuki teaches in which the disc further includes a recordable area (see fig. 1, ref. num 3 and col. 6, lines 4-5 of Moribe et al.).

Regarding claim 10, the combination of Moribe et al. in view of Kajiyama et al./Mochizuki teaches a copy-protection system including a computer, the copy-protected optical disc of claim 1, and an encrypting program capable of reading the preformed ID and the unique ID from the copy-protected optical disc of claim 1 and encrypting a customer program using them (see fig. 6 and col. 7, lines 10-23 of Moribe et al.).

Regarding claim 11, the combination of Moribe et al. in view of Kajiyama et al./Mochizuki teaches wherein the encryption is performed by a copy-protection system including a computer, the copy-protected optical disc of claim 1, and an encrypting program capable of reading the preformed ID and the unique ID from the copy-protected optical disc of claim 1 and encrypting a customer program using them (see fig. 6 and col. 7, lines 10-23 of Moribe et al.).

Regarding claim 12, the combination of Moribe et al. in view of Kajiyama et al./Mochizuki teaches in which an encrypting program is pressed onto the copy-protected optical disc (see col. 6, lines 23-39 of Kajiyama et al.).

Regarding claim 13, the combination of Moribe et al. in view of Kajiyama et al./Mochizuki teaches in which the encrypting program is located on another computer system or on a network (see col. 7, lines 10-23 of Moribe et al., the program that performs the steps to encrypt data is located on a different computer than the computer that will read the encrypted program in hopes to decrypt the data).

Regarding claim 14, the combination of Moribe et al. in view of Kajiyama et al./Mochizuki teaches further including:

- Reading the Drive ID of the CD-ROM drive to determine whether it is a reader/writer or a reader only (see col. 7, lines 47-66 of Moribe et al.); and
- Using that information to determine which preformed ID may be used in accordance with the predetermined security level (see col. 6, lines 56-63 of Mochizuki).

Regarding claim 16, the combination of Moribe et al. in view of Kajiyama et al./Mochizuki teaches with the decrypting program reading the preformed ID from the ATIP signal (see col. 5, line 56 through col. 6, line 16 of Mochizuki).



Regarding claim 17, the combination of Moribe et al. in view of Kajiyama et al./Mochizuki teaches with the decryption program reading the preformed ID from the subcode of the disc (see col. 6, lines 23-39 of Kajiyama et al.).

Regarding claim 18, the combination of Moribe et al. in view of Kajiyama et al./Mochizuki teaches with the decryption program reading the preformed ID from at least one known absolute sector address (see col. 6, lines 23-39 of Kajiyama et al.).

Regarding claim 19, the combination of Moribe et al. in view of Kajiyama et al./Mochizuki teaches in which valid values of the unique ID correspond to only a small part of the range of possible numbers (see col. 6, lines 5-9 of Moribe et al., any amount of valid values will in essence be only a small part of a range of possible numbers because there are an infinite amount of number possibilities.).

Regarding claim 20, Moribe et al. teaches a uniquely identified programmable CD-ROM optical disc, comprising:

- A unique ID which is written in the recordable area at a known absolute sector address (fig. 1, ref. num 4 and col. 6, lines 5-9).

Moribe et al. does not teach a first preformed ID which is formed in the ATIP signal or a second preformed ID which is formed in the subchannel data in the lead-in zone of the first session.

Kaiiyama et al. teaches a second preformed ID which is formed in the subchannel data in the lead-in zone of the first session (col. 6, lines 23-39).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine a second preformed ID which is formed in the subchannel data in the lead-in zone of the first session, as taught by Kaiiyama et al., with the method of Moribe et al. It would have been obvious for such modifications because the subchannel data in the lead-in zone already exists; by placing the preformed ID in an already existing signal, no extra data is needed.

Moribe et al. as modified by Kaiiyama et al. still does not teach a first preformed ID which is formed in the ATIP signal.

Mochizuki teaches a first preformed ID which is formed in the ATIP signal (col. 5, line 56 through col. 6, line 16).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine a first preformed ID which is formed in the ATIP signal, as taught by Mochizuki, with the method of Moribe et al./Kaiiyama et al. It would have been obvious for such modifications because the ATIP signal already exists; by placing the preformed ID in an already existing signal, no extra data is needed.

Art Unit: 2136

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon Hoffman whose telephone number is 703-305-4662. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 703-305-9648. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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